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FISCAL IMPACT STATEMENT

LS 6158

BILL NUMBER: HB 1165

NOTE PREPARED: Feb 12, 2008

BILL AMENDED: Feb 12, 2008

SUBJECT: Homelessness, Foster Youth, and Education.

FIRST AUTHOR: Rep. Avery

FIRST SPONSOR: Sen. Becker

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill does the following.

Indiana Housing and Community Development Authority (IHCD): This bill requires the Indiana Housing and Community Development Authority (Authority) to: (1) oversee and encourage a regional homeless delivery system; (2) facilitate the dissemination of information to assist individuals and families in accessing local resources, programs, and services related to homelessness, housing, and community development; and (3) determine the number of homeless individuals, including homeless children, in Indiana, and the number of homeless in Indiana who are not residents of Indiana. It extends the Authority's power to coordinate and establish linkages between governmental and social services programs to include individuals or families facing or experiencing homelessness.

Department of Education: The bill requires the Department of Education (Department) to establish an office of Coordinator for Education of Homeless Children. It also requires the Department to train new liaisons.

Local School Responsibilities: The bill requires each school corporation to: (1) appoint a liaison for homeless children (liaison); and (2) report to the Department the contact information for the liaison. It requires each school corporation that has an Internet web site to publish on the web site the contact information for the liaison.

The bill relocates a chapter of the Indiana Code concerning the transportation of homeless students to a new article concerning homeless children. It requires certain school corporations to transport a student in foster care to and from the school in which the student was enrolled before receiving foster care. The bill also requires, after June 30, 2009, each school corporation to provide tutoring for a child who is in foster care or

who is homeless if the school corporation determines a child has a demonstrated need for tutoring.

Visitation: The bill requires the Department of Child Services (DCS) to promote sibling visitation for every child who receives foster care. It allows a sibling or certain other individuals to request sibling visitation if one of the siblings is receiving foster care. It also requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. The bill provides that if DCS denies a request for sibling visitation, a child's guardian ad litem or court appointed special advocate may petition a juvenile court for sibling visitation. It requires a court to grant sibling visitation if the court determines sibling visitation is in the best interests of the child who receives foster care. The bill permits a court to appoint a guardian ad litem or court appointed special advocate if a child requesting sibling visitation is receiving foster care.

Shelter: The bill provides that a child may receive shelter and services or items directly related to providing shelter for homeless or low-income individuals without the approval of a parent, guardian, or custodian. The bill also requires an emergency shelter or shelter care facility to notify DCS not later than 24 hours after a child enters the shelter or facility unless the child is an emancipated minor. It requires DCS to: (1) conduct an investigation concerning the child not later than 48 hours after DCS receives notification; and (2) notify the child's parent, guardian, or custodian not later than 72 hours after the child enters the shelter or facility. The bill prohibits DCS from notifying the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered if DCS has reason to believe the child is a victim of child abuse or neglect.

(The introduced version of this bill was prepared by the Interim Study Committee on Missing Children.)

Effective Date: July 1, 2008, July 1, 2009.

Explanation of State Expenditures: *Department of Education:* The bill requires the DOE to establish an office of Coordinator for Education of Homeless Children and provide training to homeless school liaisons. The fiscal impact would probably be minor.

For FY 2007, DOE received about \$1 M from the federal government for homeless children. Approximately \$874,000 was distributed to locals. The McKinney-Vento Homeless Assistance Act allows use of funds to establish an office of Coordinator for Education of Homeless Children. The grant could probably be used to create the coordinator and fund liaison training.

DOE has an education consultant in charge of the program.

Indiana Housing and Community Development Authority: The IHCD reports that they already have the capabilities in place to meet the provisions of the bill. IHCD maintains a toll-free phone line and Internet website that provides information about homeless services in the state, and is currently working on providing oversight and encouragement for a regional homeless delivery system. IHCD reports this regional homeless delivery system will consider the need for housing and support services, implement strategies to respond to gaps in the delivery system, and ensure families are matched with optimal housing solutions. They will fulfill this requirement by communicating with the statewide Continuum of Care network and encourage full-service providers to participate in this network. IHCD also reports that they can reasonably determine or estimate the number of homeless in the state of Indiana as well as the homeless youth in the state using currently available resources and procedures.

Department of Child Services (DCS): Under the legislation, shelter care facilities would be required to notify DCS within 24 hours of a child entering the facility unless the child is an emancipated minor. The legislation defines certain information that facilities must provide to DCS, including (1) the child's name, (2) the location of the facility, (3) and if the child claims to be the victim of abuse or neglect. DCS is required to perform an investigation regarding the reported child within 48 hours of receiving notification from the shelter facility. Under the legislation, within 72 hours of the arrival of the child in the facility, DCS would be required to contact the child's legal guardian(s), but will not be able to disclose the child's specific location. The 72-hour legal guardian notification requirement mirrors current federal law.

The provisions contained in this legislation will increase DCS responsibilities. The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions. [*Background Information:* DCS reverted \$9.5 M to the General Fund in FY 2007.]

Visitation: Current DCS policy encourages sibling visitation, but accommodating these requests is largely at the discretion of the foster parents unless court-ordered. This bill requires DCS to accommodate requests for sibling visitation if either one or both siblings are in foster care. The bill will create statutory authority for DCS to provide for visitation if siblings, a foster parent, or a child's guardian at litem or court appointed special advocate request visitation irrespective of the foster parents' wishes. [Note: this bill applies only to DCS and not to foster parents to provide visitation for siblings. Foster care parents are not employees of DCS and under the bill would not be required to provide sibling visitation unless ordered by a court.] If this bill applies explicitly to DCS, it may increase the casework of the department to the extent that additional sibling visitation is requested. DCS reports that providing for sibling visitation should not have a fiscal impact.

The bill also allows for a court appointed special advocate (CASA) or guardian at litem (GAL) to act on behalf of children denied sibling visitation to address the court on behalf of these children to secure visitation orders and schedules. All children in foster care are considered Children in Need of Services (CHINS), and these children receive either a GAL or a CASA to represent their interests in court. Requiring appointment of either a GAL or CASA to a CHINS to petition for sibling visitation would not increase the workload of these child advocates.

Currently, the juvenile court system holds periodic reviews for each CHINS approximately every six months. During these hearings it is the judge's responsibility to inquire about sibling visitation in addition to other matters. There are no standard investigative procedures in the juvenile court system, so guidance pertaining to information gathering in these cases is largely left to the judge's discretion. A judge can order whatever he or she feels is in the best interest of the child during these hearings. Any order the judge makes is legally binding and must be carried out by foster parents.

DCS reports this bill will allow GALs and CASAs to request emergency hearings on behalf of children in foster care if sibling visitation is not provided for. This may increase the caseload of the court system to the extent that emergency hearings are requested.

Background Information: The Homeless Management Information System (HMIS) is a system used by shelters receiving federal funding from the U.S. Department of Housing and Urban Development (HUD) to

track the movement and migration of homeless individuals. The Indiana Coalition on Housing and Homeless Issues (ICHHI) currently provides oversight and administration of the HMIS system. IHCD's collaboration with ICHHI would help the agency meet the requirements of the bill (assessing the homeless in the state) and would not require any financing or manpower to engage in the counting of the homeless population if IHCD decided to utilize this resource. ICHHI has a mission to address the gaps in service provider delivery to the homeless. The identification of these gaps is an objective of "Indiana's 10-Year Plan to End Chronic Homelessness". IHCD is currently promoting the development of 10-year plans for local jurisdictions to ensure that local gaps in service delivery are identified. Currently, only Indianapolis, Fort Wayne, and Evansville have successfully developed such plans.

Information in the HMIS reported that 14,518 individuals received residential services from 123 homeless providers across the state between October 2006 and October 2007. Of these individuals, 4,284 were under the age of 18. These figures do not represent the homeless in Indianapolis. Indianapolis has an estimated 2,061 homeless individuals, of which 156 are estimated to be homeless youth. There is a total estimated homeless youth population of 4,440 in the state.

Some shelters receive money from HUD, but not all receive federal financing. There are seven federally funded basic centers in Indiana that address the needs of runaway and homeless youth. The total federal funding for these centers is \$908,000. There are no state funds available for shelters serving homeless youth in Indiana. There is no central oversight for all shelters in the state; some are privately operated while others receive federal funding. If a shelter receives Emergency Shelter Grant (ESG) financing or Shelter Plus Care (S+C) funding, then these shelters will be under the oversight of IHCD. There are currently 88 centers receiving ESG funding and 9 centers receiving S+C funding. The total amount of funding received for the ESG was \$2 M for 2007 and 2008 and the total funding received in one year for S+C facilities is \$1.8 M.

Explanation of State Revenues:

Explanation of Local Expenditures: *Local School Responsibilities:* The bill requires each school corporation to appoint a liaison for homeless children. There are approximately 293 school corporations. The school corporation would be required to provide the DOE with the liaison's contact information and provide it on their school web site. The bill does not require school corporations to hire additional personnel, and the cost of reporting and adding contact information to the website should be minor.

The impact of requiring tutoring and mentoring programs would depend on the program established by schools. If volunteers were used, then the additional expense could be minor, but if the school paid tutors and mentors, then the impact could be significant. The Indiana Department of Education estimates that about 29,000 children experience homelessness annually. The state also has about 12,000 foster care children. The mentoring requirement begins with the 2009-2010 school year.

As an example, if teachers were used and paid their hourly rate for one hour per week to mentor and tutor one student, then for each 100 students provided service the cost to the school corporation would be about \$162,000. The bill does not contain additional funding for the mentors and tutors, so the program would be conducted with current resources. The state currently provides about \$12.8 M for remediation.

The impact of requiring transportation of foster care children to the original school corporation would depend on the number students requesting transportation to the school they attended before the foster care placement and how far away the school was. The transportation requirement begins with the 2009-2010 school year. The impact is unknown.

Background Information: The Federal McKinney-Vento Homeless Assistance Act , 42 U.S.C. 11431 et seq., requires local education agencies to designate a person as the liaison for homeless children and youths. The liaison is to ensure that:

1. Homeless children and youths are identified by school personnel and activities are coordinated with other entities and agencies.
2. Homeless children and youth enroll and have full and equal opportunity to succeed in school.
3. Homeless families, children, and youths receive educational services for which such families are eligible.
4. Parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided meaningful opportunities to participate in their children's education.
5. Public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services.
6. Enrollment disputes are mediated.
7. The parents or guardian of a homeless child or youth is fully informed of all transportation services.

Explanation of Local Revenues:

State Agencies Affected: IHCD; ICHHI; Department of Education, State Student Assistance Commission, DCS, Juvenile Court System, Division of State Court Administration, GAL/CASA Program

Local Agencies Affected: Emergency care shelters; Homeless shelters; Local schools; Foster care providers.

Information Sources: Stephanie Reeve, IHCD, 233-4474; Testimony of Paulette Moore, Wheeler Mission Care Center; Testimony of Jim Killen, Bonnie Stryker, Elizabeth Malone, and Ron Thompson, Indiana Youth Services Organization; Department of Education's McKinney-Vento Homeless website <http://www.doe.state.in.us/alted/homelesslinkpg.html>; Laurie Gavrin, State Student Assistance Commission, 234-5134; Cassandra Porter, DCS, (317) 234-4211, Nancy Gettinger, Indiana Judicial Center, (317) 232-1313; Leslie Rogers, Indiana State Director, Guardian At Litem/Court Appointed Special Advocate Program, Division of State Court Administration, (317) 233-0024; Ann Houseworth, DCS, 234-4484; State Budget Agency.

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